

Joanna G M Linden NJD 002186 690

13

May 31, 2011

Mr. Gary Greulich
New Jersey Department of Environmental Protection
Northern Regional Office
7 Ridgedale Avenue
Cedar Knolls, NJ 07927

RE: Remedial Action Progress Report No. 7 for the Retail Redevelopment Area Portion of the Former General Motors (GM) Linden Assembly Plant, 1016 West Edgar Road, Linden, Union County, New Jersey 07036; DUK059.701.0055.

Dear Mr. Greulich:

On May 26, 2009, the New Jersey Department of Environmental Protection (NJDEP) approved the New Jersey Remedial Action Workplan and RCRA Corrective Measures Proposal Addendum No. 1 (RAWP) for the Retail Redevelopment Area of the Former GM Linden Assembly Plant (Site; SRP PI# 014755; EA ID# SUB090001; BFO File Number: 20-09-24). The May 26, 2009 approval letter requested a Remedial Action Progress Report for the Retail Redevelopment Area on/by November 30, 2009. Subsequent reports are submitted on a quarterly basis.

This letter constitutes Remedial Action Progress Report No. 7 for the Retail Redevelopment Area. Hull & Associates, Inc. (Hull) has prepared this report on behalf of Linden Development LLC (Linden Development) to summarize remedial activities completed on the Site between March 1, 2011 and May 31, 2011.

Requirements, according to N.J.A.C. 7:26E-6.6, are shown below in ***bold italics***, with Hull/Linden Development's update following. The report certification required by N.J.A.C. 7:26E-1.5 is included in Attachment A.

1. NJDEP requires a description of each planned remedial action

- i. scheduled to be initiated or completed within the reporting period***
- ii. actually initiated or completed during the reporting period; and***
- iii. scheduled but not initiated or not completed during the reporting period, including the reasons for the noncompliance with the approved schedule.***

Soil

As outlined in the approved RAWP, the remedial activities for soils on the Retail Redevelopment Area consist of the following:

- a. Establishing deed restrictions or environmental covenants to maintain commercial/industrial land use at the Site;
- b. Regrading the site to achieve the grade necessary to support the proposed redevelopment;



- c. Constructing building slabs, parking areas and roadways and placing one foot of clean soil over geotextile fabric in future greenspaces to preclude direct contact exposures to future receptor populations and/or provide cover to historical fill material; and
- d. Surveying to demonstrate that all areas are covered with engineering controls (e.g., building slabs, parking areas and roadways) or one foot of clean soil.

These remedial activities are directly related to construction activities associated with the future redevelopment at the Site which are dependent upon finalization of agreements with end users. Linden Development has been working throughout the reporting period to finalize agreements with several end users that will ultimately occupy various portions of the Site. Given that end user agreements have not been finalized, the construction activities described in the RAWP have not yet been initiated.

As outlined in previous quarterly reports, Linden Development imported structural fill materials from off-site sources for use during the redevelopment consistent with the RAWP and the Revised Soil and Concrete Reuse Proposal (Revision 1.0) approved by NJDEP. No materials were imported during this reporting period. Materials imported prior to the reporting period are summarized in Table 1.

Linden Development performed additional sampling within the proposed Walmart parcel as part of internal due diligence requirements for Walmart ground lease negotiations. These additional sampling activities are summarized below.

Walmart-Related Sampling Activities

Initial Walmart-related soil and soil gas sampling activities were conducted between July 16 and July 22, 2010. Additional sampling was conducted in mid-November to further evaluate soil gas findings from the July 2010 activities. Preliminary results of the sampling were discussed with the NJDEP Case Manager, Mr. Gary Greulich, during a project update meeting on December 7, 2010, and a report summarizing the overall investigation findings was submitted to NJDEP in January 2011. Based on the results to date, Mr. Greulich requested shallow groundwater sampling within a portion of the Walmart parcel around soil gas sampling location WSG-3. That groundwater sampling was conducted in March 2011.

The results of the groundwater sampling were provided to NJDEP in a letter report dated April 22, 2011 and indicate that trichloroethene (TCE) was detected in groundwater at concentrations exceeding the NJDEP Class IIA groundwater standard near the WSG-3 soil gas location. Five temporary wells were installed and sampled in March 2011. Based on the layout of those temporary wells, the TCE in groundwater was delineated to the north, west and south, but was not delineated to the northeast in the area outside of the proposed Walmart building footprint. No TCE sources were identified in soils near the investigation area. Linden Development and Hull are currently preparing a work plan to conduct additional sampling to delineate the observed TCE in groundwater and aid a determination of potential response actions.

Groundwater

As outlined in the approved RAWP, remedial actions related to groundwater underlying the overall Retail Redevelopment Area do not appear to be necessary. However, sporadic historical concentrations of lead in limited monitoring wells have exceeded groundwater quality criteria at the Site, as observed in previous groundwater sampling data. As a result, the NJDEP may consider that an indeterminate Classification Exception Area (CEA) is necessary due to these sporadic exceedances and the presence of historical fill at the Site. Based on discussions with Mr. Greulich conducted since November 2009, the indeterminate CEA will be established by NJDEP as part of finalizing the Site NFA and will include the overburden aquifer within the Site boundaries. As discussed on November 18, 2009 and reiterated during ongoing quarterly meetings, Mr. Greulich currently maintains the information necessary to establish the indeterminate CEA (if ultimately deemed necessary) and no additional submittals by Linden Development are required.

As outlined in the April 22, 2011 letter report summarizing the Walmart parcel-related groundwater sampling, previously unknown TCE was detected at concentrations above the NJDEP Class IIA groundwater standard during the March 2011 groundwater sampling. However, no soil sources related to the TCE in groundwater have been identified within the Retail Redevelopment Area. Linden Development and Hull are currently drafting a work plan to perform additional delineation sampling and a aid determination of potential response actions. The additional sampling is anticipated to be conducted during the next reporting period.

Storm Sewer (AOI-18)

Remedial activities associated with AOI-18 are complete, as documented in Remedial Action Progress Report No. 1 (November 2009).

2. NJDEP requires discussion of problems and delays in the implementation of the RAWP, which should include proposals for corrections.

As discussed above, remedial activities are directly related to construction activities associated with the future redevelopment at the Site which are dependent upon finalization of agreements with end users. Given current economic conditions, the construction activities described in the RAWP will not be implemented until redevelopment deals with end users are finalized.

Linden Development is continuing to pursue finalization of agreements with several end users for the Retail Redevelopment Area. In the interim, conditions at the Site are stable given that GM's original cover types (asphalt, building pads, etc.) remain intact.

3. NJDEP requires proposals for a deviation from, or modification to, the approved RAWP.

No deviations from, or modifications to, the approved RAWP are planned or required at this time. In the event that additional sampling related to the TCE discovered in shallow groundwater as part of the Walmart-related sampling activities indicates that changes to the selected remedy are required, Linden Development and Hull will work with NJDEP to promptly amend the approved RAWP.

As discussed in previous quarterly reports, Hull and Linden Development conducted initial discussions with Gary Greulich on August 24, 2010 regarding potential modifications to engineering control designs within the portion of the Site proposed for the Lowe's development. The potential modifications include using clean fill material below future concrete slabs as the engineering control for direct contact exposures, rather than the concrete slabs themselves as currently outlined in the approved RAWP. Based on the August 24, 2010 discussion, the potential modifications will be acceptable to NJDEP if they are requested. If the modifications are ultimately desired, Linden Development will provide a written request and seek NJDEP's formal approval to implement the modifications prior to finalizing site work for the Lowe's parcel.

4. NJDEP requires submittal of a revised schedule pursuant to N.J.A.C. 7:26E-6.5, to reflect the changes as noted in 1 through 3 above.

As outlined in the previous quarterly report, Linden Development had anticipated to initiate selected concrete slab and asphalt removal activities in April 2011, and implement grading activities and underground utility construction in May, June and August 2011.

As discussed with Gary Greulich during previous quarterly meetings, implementation of the site earthwork and utility installation activities is dependent on finalization of development agreements with end users. Given that development agreements have not yet been finalized and negotiations with end users are ongoing, the tentatively scheduled earthwork activities have not yet been initiated.

Agreements with end users are progressing, however the overall start is being delayed by final legal appeals. Due to the appeals, work reported to begin the second quarter of 2011 has been delayed and is currently anticipated to commence the fourth quarter of 2011.

Activity	Anticipated Timeframe
Select concrete slab and asphalt removal	October 2011 – November 2011
Grading and placement of imported materials	November 2011 – December 2011
Underground utility construction	December 2011 – January 2012

The schedule for constructing engineering controls will be dependent on finalizing end user agreements and resolution of final legal appeals. Linden Development will provide additional details as activities progress.

5. NJDEP requires an updated status of all permit applications relative to the critical path schedule.

The permits required for initiation of the remedial activities are summarized below.

Permit/Approval Type	Status	Notes
Planning Board Approval	Approved 1/9/09	Site plan approved by City of Linden Planning Board
NPDES Permit (Storm Water)	Approved 9/16/09	NPDES Permit No. 0088323
Soil Conservation District	Approved 9/16/09	Approved by Somerset-Union Conservation District

6. NJDEP requires a listing of each remedial action to be performed during the next reporting period.

As outlined previously, additional delineation sampling will be conducted within the proposed Walmart parcel during the next reporting period.

In anticipation of finalizing approvals in the immediate future, Linden Development plans to conduct initial site earth work and grading during the fourth quarter of 2011. Details of the schedule are currently being finalized. General anticipated timeframes are as follows:

Activity	Anticipated Timeframe
Select concrete slab and asphalt removal	October 2011 – November 2011
Grading and placement of imported materials	November 2011 – December 2011
Underground utility construction	December 2011 – January 2012

7. NJDEP requires costs of each remedial action

- i. Annual summary of all remedial action costs incurred to date; and**
- ii. Revised cost estimate for remedial actions remaining to be performed.**

Given that significant construction and remedial implementation has not yet commenced, no remedial costs have been accrued, with the exception of minor costs for the storm sewer cleaning (i.e., approximately \$7,000) reported in Remedial Action Progress Report No. 1.

The cost estimate for completing remedial activities remains consistent with that presented in the RAWP (i.e., approximately \$7,500,000 for earthwork and construction of engineering controls).

8. NJDEP requires a tabulation of sampling results (according to N.J.A.C. 7:26E-3.13(c)3) received during the reporting period and a summary of the data and any conclusions, presented in a format consistent with N.J.A.C. 7:26E-4.8.

As discussed previously, Linden Development conducted additional sampling on behalf of Walmart as part of ground lease negotiations between those parties. The results of the Walmart-related sampling were submitted to NJDEP in a letter report dated April 22, 2011:

9. NJDEP requires a summary of active groundwater remedial actions

- i. groundwater elevation maps with groundwater flow shown immediately before and during active groundwater remediation;**
- ii. graphs depicting changes in concentrations over time for all impacted wells as well as all down-gradient wells;**
- iii. summary of volume of water treated since last reporting period and the total volume treated since active remedial action commenced; and**
- iv. Summary of groundwater contamination, indicating either that contamination remains above applicable standards (include a proposal detailing additional remedial actions) or that concentrations are below applicable standards.**

As outlined in the approved RAWP, remedial actions related to groundwater underlying the Retail Redevelopment Area do not appear to be necessary (see discussion under item 1). In the event that additional sampling related to the TCE discovered in shallow groundwater as part of the Walmart-related activities indicates that changes to the selected remedy are required, Linden Development and Hull will work with NJDEP to promptly amend the approved RAWP.

10. NJDEP requires a summary of natural remediation groundwater remedial actions

- i. Summary table of the groundwater monitoring results collected; and**
- ii. Conclusions whether data indicate that natural remediation is no longer appropriate (must then also submit a revised RAWP)**

As outlined in the approved RAWP, remedial actions related to groundwater underlying the Retail Redevelopment Area do not appear to be necessary (see discussion under item 1). In the event that additional sampling related to the TCE discovered in shallow groundwater as part of the Walmart-related activities indicates that changes to the selected remedy are required, Linden Development and Hull will work with NJDEP to promptly amend the approved RAWP.

11. NJDEP requires a description of all wastes generated as a result of the remedial action

- i. Tabulation of waste characterization samples collected, including the physical state of the material, volume, number of samples, analyses performed and results;**
- ii. Listing of types and quantities of waste generated by the remedial action during the reporting period as well as to date;**
- iii. Name of the disposal facility used;**
- iv. Transporters' dates of disposal; and**
- v. Manifest numbers of each waste shipment.**

No wastes were generated during the reporting period.

12. NJDEP requires that any additional support documentation that is available also be provided (photos, etc.).

Given that the majority of the remedial activities have not yet been implemented, no additional support documentation is available.

Mr. Gary Greulich
DUK059.701.0055
May 31, 2011
Page 7

The next scheduled remedial action progress report will include remedial actions completed between June 1 and August 31, 2011. Please feel free to contact Bill Dennis at (412) 446-0315 with any questions regarding the update provided herein.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Dennis III". The signature is stylized with a large, looped "B" and "D".

Bill Dennis
Senior Project Manager

Attachments

ct: Brian Strohl – Linden Development, LLC
Clifford Ng – U.S. EPA Region 2

TABLES

**LINDEN DEVELOPMENT LLC SITE (FORMER GM LINDEN ASSEMBLY PLANT)
1016 WEST EDGAR ROAD, LINDEN, NJ
QUARTERLY REPORT NO. 7 - RETAIL REDEVELOPMENT AREA**

**TABLE 1
SUMMARY OF FILL MATERIALS IMPORTED AS OF MAY 2011**

Import Date	Source	Supplier	Quantity	Material Type	Anticipated Site Use
Soils and Crushed Concrete - Imported Prior to Current Reporting Period					
Pre-February 2010	City of Rahway, NJ - Former firing range soil stockpile	City of Rahway, NJ	800 cy	Soils	Structural fill to be covered by engineering controls
Pre-February 2010	City of Linden, NJ - 2300 S. Wood Street - soil stockpile from City's Parks Dept.	City of Linden, NJ	2,865 cy	Soils	Structural fill to be covered by engineering controls
April / May 2010	New 121st. Police Precinct -970 Sanders Street, Staten Island, NY - excess soils from construction project	Pure Earth, Inc.	2,973 cy	Soils	Structural fill to be covered by engineering controls
April / May 2010	Newark Public Schools Stadium - excess soils from construction project	AWT Environmental Services, Inc.	3,397 cy	Soils	Structural fill to be covered by engineering controls
May 2010	Newark Brick Tower - Residential Tower Demolition - processed backfill material	DEMREX and Altchem Environmental	15,680 cy	Soils/Crushed Concrete	Structural fill to be covered by engineering controls
June 2010	New 121st. Police Precinct -970 Sanders Street, Staten Island, NY - excess soils from construction project	Pure Earth, Inc.	1,178 cy	Soils	Structural fill to be covered by engineering controls
June 2010	City of Linden, NJ - Library Site - excess soils from construction project	City of Linden, NJ	2,300 cy	Soils	Structural fill to be covered by engineering controls
July 2010	New 121st. Police Precinct -970 Sanders Street, Staten Island, NY - excess soils from construction project	Pure Earth, Inc.	1,516 cy	Soils	Structural fill to be covered by engineering controls
8/24/10	New 121st. Police Precinct -970 Sanders Street, Staten Island, NY - excess soils from construction project	Pure Earth, Inc.	658 cy	Soils	Structural fill to be covered by engineering controls
9/23/10	New 121st. Police Precinct -970 Sanders Street, Staten Island, NY - excess soils from construction project	Pure Earth, Inc.	567 cy	Soils	Structural fill to be covered by engineering controls
9/27/2010	Weldon Materials - crushed stone (virgin source)	Weldon Materials	142 cy	Crushed Stone	Unrestricted (Virgin Source Material)
9/29/2010	Weldon Materials - crushed stone (virgin source)	Weldon Materials	55 cy	Crushed Stone	Unrestricted (Virgin Source Material)
10/5/10	New 121st. Police Precinct -970 Sanders Street, Staten Island, NY - excess soils from construction project	Pure Earth, Inc.	699 cy	Soils	Structural fill to be covered by engineering controls
10/19/10	New 121st. Police Precinct -970 Sanders Street, Staten Island, NY - excess soils from construction project	Pure Earth, Inc.	655 cy	Soils	Structural fill to be covered by engineering controls
12/15/10	New 121st. Police Precinct -970 Sanders Street, Staten Island, NY - excess soils from construction project	Pure Earth, Inc.	328 cy	Soils	Structural fill to be covered by engineering controls
12/16/10	New 121st. Police Precinct -970 Sanders Street, Staten Island, NY - excess soils from construction project	Pure Earth, Inc.	165 cy	Soils	Structural fill to be covered by engineering controls
		Subtotal:	33,978 cy		

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TABLE 1
SUMMARY OF FILL MATERIALS IMPORTED AS OF MAY 2011

Import Date	Source	Supplier	Quantity	Material Type	Anticipated Site Use
Soils and Crushed Concrete - Imported During Current Reporting Period					
NA	None during current reporting period	NA	0 cy		
		Subtotal:	0 cy		
	Total for Soils and Crushed Concrete Imported to Date:		33,978 cy		
Asphalt Millings - Imported Prior to Current Reporting Period					
Pre-February 2010	City of Linden, NJ - Residential Streets - asphalt millings	City of Linden, NJ	1,434 cy	Asphalt Millings	Subgrade material for future paved areas
		Subtotal:	1,434 cy		
Asphalt Millings - Imported During Current Reporting Period					
NA	None during current reporting period	NA	0 cy		
		Subtotal:	0 cy		
	Total for Asphalt Millings Imported to Date:		1,434 cy		

ATTACHMENT A
Report Certification

Certification

**Linden Development, LLC
ISRA Case Number E20040531**


I certify under penalty of law that I have personally examined and am familiar with the information submitted herein including all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties.

Linden Development, LLC

By:

Date:

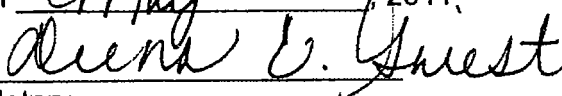
5/31/11



William J. DeBoer, Executive V.P.

Sworn to and subscribed to before
me on this 31st day
of May, 2011.

Notary



Deena E. Griest



Deena E. Griest
Notary Public-State of Ohio
My Commission Expires
May 29, 2012